

## UNITED STATES ARTMENT OF COMMERCE Patent and Trademan Office

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#12

**RENEWED PETITION** 

Address: Assistant Commissioner for Patents
Box PCT

Box PCT Washington, D.C. 20231

DEC 27 1999

BIRCH STEWART KOLASCH & BIRCH LLP PO BOX 747 FALLS CHURCH, VA 22040-0747

In re Application of

GAISER et al : DECISION ON

Application No.: 08/981,233 :

PCT No.: PCT/EP96/02633 : Int. Filing Date: 18 June 1996 :

Priority Date: 19 June 1995 : UNDER 37 CFR 1.48(a)

Attorney's Docket No.: 2972-103P

For: PROCESS AND DEVICE FOR CONTINUOUSLY

DRYING PROTEIN-CONTAINING SLUDGE

This decision is responsive to applicants' "Supplemental Letter Responding to Notification of a Defective Response" and is considered a response to the Decision on "Petition Correcting Inventorship under 37 CFR 1.48(a)" mailed on 13 November 1999. Applicants' letter was faxed on to the US Patent and Trademark Office on 20 December 1999 and was originally filed 08 October 1999, as evidenced by an accompanying postcard receipt. No additional petition fee is required.

The decision mailed on 13 November 1999 indicated that applicants had met all the requirements of 37 CFR 1.48(a) with the exception of an acceptable written consent of the assignee, ANDRITZ-PATENTVERWALTUNGSGESELLSCHAFT m.b.H..

Applicants' supplemental letter is accompanied by a written consent of the assignee. It appears that the consent is identical to the consent submitted on 04 October 1999, with a material alteration-the typed insertion of the names and titles of the general and assistant managers of ANDRITZ-PATENTVERWALTUNGSGESELLSCHAFT m.b.H below the signature line. It is noted that both documents are signed on 01 October 1999. Thus, it would appear that the letter was altered after the signatures. What is required is a new written consent where the name and the title of each person with authority to sign on behalf of the assignee is clearly identifiable.

Therefore, applicants have not met all of the requirements under 37 CFR 1.48(a) for correction of inventorship.

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## **CONCLUSION**

The petition under 37 CFR 1.48(a) is **DISMISSED without prejudice.** 

Any reconsideration on the merits of this petition must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.48(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.

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